

**TOWN COUNCIL
SPECIAL MEETING
NOVEMBER 25, 1996**

The meeting was called to order at 6:36 p.m.

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber and Town Clerk Reinfeld recording the meeting.

1. Review and Discuss Possible Charter Changes

Self-introductions were made by the Charter Review Board members in attendance: Dean Alexander, Laurelle Crawford-Kuvin, Larry Davis, Gary Gargiulo, Arthur Joseph, Judy Paul, and John Pisula. Chair Vicki Augustus-Fidelia discussed the Board's progress and thanked the Board members for their input. Mayor Venis thanked the Board for their work and advised that Council would review the proposed changes on a page by page basis and either accept the Board's recommendations or make changes. He indicated that the Board's recommendations would be accepted unless other action was taken by Council. Mayor Venis announced that public input on the proposed changes would be heard on December 4th and 18th.

Pages 1-2 (Proposed Section - Creation and Powers)

No comments were noted by Council and Council accepted the Board's change [to delete Sections 1-6 and replace with Creation and Powers].

Page 2 (Proposed Section - Corporate Limits)

No comments were noted by Council and Council accepted the Board's change [to delete Section 7 and replace with Corporate Limits].

Pages 3-5 (Proposed Section - Powers and Limitations)

No comments were noted by Council and Council accepted the Board's change (to delete Section 8 and replace with Powers and Limitation].

Page 6 (Proposed New Section - Charter Review Board)

Council discussed the staff's recommendation for the first sentence which would change the word "shall" to "may" and the requirement for Charter review be changed from five to ten years. Chair Augustus-Fidelia advised that the Board preferred the word "shall" and five years. Discussion followed.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to accept the section as recommended by the Charter Review Board with the exception of every ten years instead of every five years and to accept staff's recommendation on the wording for the number of Board members. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 3-2)

Page 6 (Form of Government - Section 9)

No comments were noted by Council and Council accepted the Board's change [to add "manager" and "elected at-large"].

Alice Whitson, representing Municipal Code, explained that council/manager was a historic form of government with the Council being the legislative body and the manager being the administrative body.

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Pages 6 - 7 (Administrative Department - Section 10)

No comments were noted by Council and Council accepted the Board's recommendation [retain current language with the exception of 10(a)(5) on page 7 and the deletion of the reserved subsections 10(b) and 10(c)].

Page 7 (Administrative Head of Manager - Section 10(a)(5))

Council discussed 10(a)(5) regarding appointing and discharging authority and Council accepted Mr. Webber's recommendation [to delete "subject to the approval of the council"].

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to accept Mr. Webber's recommended language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 8 (Town Attorney - Section 10(d); Town Clerk's Office - Section 10(e))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 9 (Finance Department - Section 10(f))

Council discussed staff's recommendation to delete this subsection and Council discussed creating this department by ordinance.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to delete the description of the Finance Department [10(f)]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 9 (Creation of Departments - Section 10(g))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 9 (Advisory Committees - Section 10(h))

Council discussed the Board's recommendation of creating standing committee's by ordinance and special committees by resolution. Chair Augustus-Fidelia indicated that an ordinance would provide notice and more individuals may avail themselves.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to provide that standing and special committees be created by resolution. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 10 (Sale of Town Property - Section 10(k))

Council discussed the need for a distinction between personal versus real property and the suggestion to provide notice on the value of the property. It was mentioned to retain the current Charter language.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to retain the current Charter language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Vice-Mayor Cox asked Mr. Webber to return with language to separate personal and real property in 10(k).

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Page 10 (Restriction of Employment of Relatives - Section 10(l)(1))

Council discussed the restriction with Mr. Webber explaining that the Board's recommendation was consistent with State Statutes. Chair Augustus-Fidelia advised that it was the Board's recommendation that a relative not supervise another relative.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to retain the current Charter language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Page 11 (Definition of Relative - Section 10(l)(2, 3))

No comments were noted by Council and Council accepted the Board's change [to update the State Statute number 10(l)(2) and delete 10(l)(3)].

Page 11 (Definition of Daily Newspaper - Section 10(m))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 11 (The Council and Legislation - Section 11(A) and (A)(1))

No comments were noted by Council and Council accepted the Board's change [to provide for mayor/council and councilmembers 11(A) and delete 11(A)(1)].

Page 12 (Review of District Boundaries - Section 11(A)(2))

Council discussed the review criteria and Council accepted the Board's change [to change one of the the review of boundaries criteria from three to five years].

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, the adoption of the ordinance establishing the district boundaries should be done by a vote of at least four Councilmembers. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion failed 2-3)

Page 13 (Qualifications for Councilmen - Section 11(B))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 13 (Council Powers and Duties - Section 11(C))

Council discussed the Board's recommendation that accounting "should" be rotated at least every five years. Staff's recommendation that accounting firms "may" be rotated was also discussed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to adopt staff's recommendation of "may". In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 14 (Recall, Removal from and Vacancy of Office - Section 11(D))

No comments were noted by Council and Council accepted the Board's change [to delete the recall provision].

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Page 15 (Filling Vacancies of Council - Section 11(E))

Council discussed the Board's recommendation to provide for the vacancy of mayor/council and councilmembers be filled until the next election. Mr. Webber advised that except for the municipal election [held in March], the Broward County Supervisor of Elections had the right to refuse placement of a municipal election on the ballot.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to change "next municipal general election" to "next possible election". In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Page 15 (Mayor and Vice-Mayor of the Council - Section 11(F))

No comments were noted by Council and Council accepted the Board's change [to accept the language that was approved in 1993].

Page 16 (Council Meetings - Section 11(G))

Council discussed the Board's recommendation to require the Open Public Meeting be in the Charter.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to retain the current Charter language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 16 (Council and Board Procedure and Quorum - Section 11(H); Council Journal -

Section 11(I))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 17 (Compensation for Councilman and Mayor - Section 11(J)(1))

Council discussed the Board's recommendation and Council accepted the Board's recommendation [to increase the salary to \$600 with a cost of living adjustment on an annual basis].

Page 17 (Ordinances and Resolutions, Form - Section 11(K)(1); Procedure - Section 11(K)(2))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 18 (Ordinances and Resolutions, Reserved - Section 11(K)(3); Effective Date - Section 11(K)(4); "Publish" Defined - Section 11(K)(5); Emergency Ordinances - Section 11(K)(6)

No comments were noted by Council and Council accepted the Board's recommendation [to delete 11K(3) [reserved] and retain current language in 11K(4, 5, 6)].

Page 19 (Record of Ordinances - Section 11(K)(7); Codification of Ordinances Section 11(K)(8))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

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Page 19 (Resolutions - Section 11(K)(9))

Council discussed the Board's recommendation that non-agendaed items not be added to the agenda unless deemed an emergency.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to retain the current Charter language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 19 (Records of Resolutions - Section 11(K)(10))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 20 (Reserved - Section 11(L); Initiating Referendums - Section 11(M))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 11(L) and retain 11(M)].

Page 21 and 22 (Finance - Section 12(A - E))

No comments were noted by Council and Council accepted the Board's recommendation [to create a finance department and reletter remaining sections].

Page 23 (Council Action on Budget - Section 12(F); Council Action on Capital Program -

Section 12(G))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language and provide for newspapers of general circulation].

Page 24 (Public Records - Section 12(H); Amendments After Adoption - Section 12(I)(3))

No comments were noted by Council and Council accepted the Board's recommendation [to allow the town administrator, instead of council, to make recommendations on emergency appropriations].

Page 25 (Amendments After Adoption - Section 12(I)(4,5); Administration of Budget -

Section 12K(1))

No comments were noted by Council and Council accepted the Board's recommendation [to retain 12(I)(4, 5) and delete 12(J), 12(K)(I)].

Page 26 (Administration of Budget - Section 12(K)(2); Reserved - Section 12(L); Transfer

of Funds and Appropriations of Accruing Revenue - Section 12M(1))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 12(K)(2) and 12(L) and retain 12(M)(1)].

Page 27 (Transfer of Funds and Appropriations of Accruing Revenue - Section 12(M)(2);

Accounting - Section 12(N); Centralized Purchasing - Section 12(O))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 12(M)(2) and 12(N) and retain 12(O)].

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Page 28 (Insurance and Surety Bonds - Section 12(P))

Council discussed the Board's recommendation to provide for competitive bidding when insurance coverage approaches expiration. Staff's recommendation to provide for competitive bidding or negotiations was also discussed.

Rick Moscicki, representing Towers and Perrins, discussed hiring of insurance companies and competitive bidding. He said that annual bidding for insurance would cause the Town to lose cost effectiveness. Mr. Moscicki stated that his clients were advised to not bid out insurance more often than every three years.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to provide that this Section be by ordinance with terminology in the ordinance for competitive bidding and/or negotiation. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 28 (Investment of Town Funds - Section 12(Q))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 12(Q)].

Page 28 (Revenue Collection, Custodian of Funds and Surety of Employees - Section 12(R))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 29 (Notes and Bonds - Section 12(S))

Council discussed the Board's recommendation for an annual review.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to delete the last paragraph [and accepting the Board's recommendation]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 29 (Issuance of Bonds - Section 12(T); Terms of Debt Instruments - Section 12(U);

Payment - Section 12(V))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 12(T, U) but retain 12(V)].

Page 30 (Financial Report - Section 13)

No comments were noted by Council and Council accepted the Board's recommendation [to delete this subsection].

Page 30 (Town Planning and Development, Town Plan - Section 14(A); Town Planning

and Zoning Board - Section 14(C))

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to adopt Section 14(A) and 14(C) as recommended by the Board with "and where appropriate" added to the last sentence in 14(A). In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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Page 30 (Zoning Authority - Section 14(B))

No comments were noted by Council and Council accepted the Board's recommendation [to delete 14(B)].

Page 31 (Zoning Authority - Section 14(C)(1 - 5); Reserved - Section 14(D))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language; however, delete 14(D)].

Page 32 (New Streets - Section 14(E))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 32 (Vacating or Abandoning Streets - Section 14(F))

Council discussed the Board's recommended changes. Chair Augustus-Fidelia discussed the Board's recommendation and indicated that the Board wanted people noticed on any proposed changes to streets. Michele Mellgren, Director of Development Services, discussed the requirements of the proposed changes and staff would be formulating a plan for local future roads.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to retain the current language. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis indicated that an ordinance addressing the Board's concerns could be discussed at a later date.

Page 33 (Illegal of Erection of Buildings - Section 14(G))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 33 - 34 (Police Department - Section 15)

Council discussed the Board's recommendation to remove "immorality" as a reason for suspension or being discharged.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to accept the Board's recommendation without the removal of "immorality" [with the exception of the next motion]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Council discussed the Board's recommendation to provide for a temporary agreement in the case of an emergency.

Councilmember Kiar made a motion to approve the recommendation of the Charter Review Board. The motion died due to a lack of a second.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to retain the current language [in the last paragraph]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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Page 35 (Fire Department - Section 16)

Council indicated that the word "immorality" needed to be left in this section. Council discussed the Board's recommendation to provide for a temporary agreement in the case of an emergency and the ability to provide a volunteer fire department.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to retain the current language and delete the provision for a volunteer department. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 36 (Reserved - Section 17; Reserved - Section 18)

No comments were noted by Council and Council accepted the Board's recommendation [to delete these Sections].

Page 36 (Franchise Grants - Section 19(A))

Council discussed the Board's recommendation regarding competitive bidding. Staff's recommendation regarding competitive bidding or negotiations was also discussed.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to accept staff's recommendation. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 36 (Period of Grants - Section 19(B))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 37 and 38 (Conditions - Section 19(C)(1 - 7))

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

Page 38 (Charter Amendments - Proposed Section 20)

Council discussed the Board's recommendation that any Charter amendments would not be accomplished without appointing a review board.

Councilmember Santini made a motion, seconded by Councilmember Bush, to delete Section 20. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Page 38 (Claims and Actions Against the Town - Section 21)

No comments were noted by Council and Council accepted the Board's recommendation [to delete].

Page 38 (Elections - Section 22)

No comments were noted by Council and Council accepted the Board's recommendation [retain current language].

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Page 39 (Fees of Offices, Nuisances, Sanitation - Section 23(A); Reserved - Section 23(B); Annexation or Contraction of Territorial Limits - Section 24; Severability - Section 25)

No comments were noted by Council and Council accepted the Board's recommendation [retain current language for 23(A) and 25 and delete 23(B) and 24].

On behalf of Council, Mayor Venis thanked the Charter Review Board for their diligence and hard work.

There being no objections or further business, the meeting was adjourned at 9:04 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk